

PRESERVATION OF UNDERGROUND WATER SUPPLY.

S. B. No. 608.]

CHAPTER 261.

An Act for the conservation, protection, preservation and distribution of the underground water supply of the State; defining powers and duties of the Board of Water Engineers for said purposes; providing for plugging, casing or capping wells to prevent contamination of fresh water supply; prescribing a penalty for violating any provision of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. It is hereby declared to be the policy and duty of the Texas State Board of Water Engineers to make and enforce rules and regulations for the conservation, protection, preservation and distribution of all underground, subterranean and percolating waters of every kind and nature whatsoever situated within the limits of the State of Texas.

SEC. 2. Every water well drilled, dug, or excavated in this State which encounters salt water or water containing mineral or other substances injurious to vegetation or agriculture shall be by the owner of said well securely plugged or cased, so that the salt water or other water containing mineral or other substances injurious to vegetation or agriculture shall be confined to the strata in which found, and said casing or plugging shall be done in such manner as to effectively prevent said salt water or water containing mineral or other substances injurious to vegetation or agriculture from escaping from the strata in which found into any other water bearing strata or onto the surface of the ground.

SEC. 3. All the foregoing Sections are declared to be equally applicable to wells heretofore drilled, dug or excavated, and wells hereafter to be drilled, dug or excavated.

SEC. 4. The Board of Water Engineers shall make rules and regulations for the effective enforcement of the foregoing Sections, and shall efficiently enforce same.

SEC. 5. If any owner of any well described in any of the foregoing Sections shall for a period of thirty days fail or refuse to securely and properly plug, case or cap the same after having been ordered to do so by the Board of Water Engineers, he shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each and every day that he shall fail or refuse to plug, case or cap said well after the expiration of the time above stated, and each day that said owner so fails or refuses to plug, case or cap said well shall be considered a separate offense.

SEC. 6. The Board of Water Engineers shall do all things necessary for the conservation, protection, preservation and distribution of underground, subterranean and percolating waters in this State and shall make and enforce appropriate rules and

regulations therefor and the specific enumeration of special powers and duties herein shall not be construed to deny the said Board other powers and duties necessary to the carrying out of the purposes of this Act as expressed in Sections 1 and 6 hereof. Failure for a period of more than thirty days to comply with any order of said Board issued in pursuance of the powers and duties herein created shall subject the person so violating said order to the penalties enumerated in Section 5 hereof.

SEC. 7. The fact there is no Statute in Texas sufficient to protect the underground water supply of the State from pollution and contamination and that irreparable loss and injury is being suffered by land owners of the State from pollution and contamination of fresh water supply because of improperly cased and plugged wells, create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read upon three several days in each House, and the said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Approved May 28, 1931.
Effective May 28, 1931.

[NOTE.—S. B. No. 608 passed the Senate by a vote of 31 yeas, 0 nays; passed the House by a vote of 106 yeas, 1 nay.]